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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,521	11/26/2001	Scott Lochner	07326-002002	8530

20985 7590 07/13/2004

FISH & RICHARDSON, PC
12390 EL CAMINO REAL
SAN DIEGO, CA 92130-2081

EXAMINER

SOBUTKA, PHILIP

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 07/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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5

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Commissioner for Patents

Office Action Summary

Application No.

09/994,521

Applicant(s)

LOCHNER ET AL.

Examiner

Philip J. Sobutka

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 17 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 17 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- ☐ Interview Summary (PTO-413) Paper No(s). _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. Claims 1-9,17,21, are rejected under 35 U.S.C. 103(a) as being unpatentable over Auer et al (US 4,725,694) in view of Tymes (US 5,029,183).

Consider claims 1,2,21. Auer teaches a system comprising a base storage and control system including an arrangement for receiving and using an input signal in real time, the input signal interacting with an application program at the base storage and control, note that the base computer of Auer would of course provide non-volatile storage of information, and an arrangement for providing a display output signal based on the input signal and execution of the application program (Auer see especially col 1, line 65- col 2, line 20, col 6, lines 28-35); and an arrangement for wirelessly receiving the input signal and communicating the display output (col 3, lines 34-40); a portable input output system including an arrangement for wireless communicating the input and display signals with the base computer(Auer see especially fig 1-6); an arrangement for inputting information and interacting with the base computer application, and arrangement for providing a full screen display and wherein the program is operable at the base computer in the same way that a display and keyboard coupled by wires would be (Auer col 1, line 39 – col 2, line 20). Note that Auer teaches the use of RF to enable the wireless communication (Auer see especially col 5, line 45). Auer lacks a teaching of the display signal being transmitted in bursts. Tymes teaches a remote wireless computer system in which display signals are transmitted in packets, or bursts (Tymes col 2, line 55 – col 3, line18, col 4, line 55 – col 5, line 32). Tymes teaches that the

burst transmissions allows for intermittent activation of the transceiver, thereby saving power (Tymes col 2, line 55 – col 3, line 18).

As to claim 5, note that Auer's input signal is a keyboard signal (Auer see especially col 6, lines 45-55).

As to claim 7, note that user input to a keyboard is asynchronous.

As to claim 17, note that Auer's display includes full screen graphics (Auer see especially figs 4-6, col 6, lines 45-69).

As to claim 3, note that Auer teaches using RF to enable the wireless communication (Auer see especially col 5, line 45), and as is well known, radio waves have a wavelength longer than infrared wavelength. Auer differs from the claim in not specifying the type of modulation the RF wireless signals should use. Official Notice is taken that AM, FM and spread spectrum are well known modulation techniques. Therefore it would have been obvious to one of ordinary skill in the art to use one of AM, FM or spread spectrum to modulate the signals in order to use well known communication techniques.

As to claims 4, 6, Auer differs from the claim in not specifying the type of video signal used. Official notice is taken that video, video synch, horizontal and vertical video synch, composite video, video and synch signals, and RGB are well known types of video signaling, it would have been obvious to one of ordinary skill in the art to use one of the signaling methods claimed in order to allow use of proven methods.

Consider claim 8. Auer teaches everything claimed including the wireless signaling being RF. Auer lacks a teaching of the devices using antennas and

transceivers. Tymes teaches a remote computer system which communicates wirelessly using radio transceivers and antennas (Tymes see especially fig 4, col 8, lines 25-65). It would have been obvious to one of ordinary skill in the art to modify Auer to use transceivers and antennas as taught by Tymes in order to utilize proven wireless technology.

As to claim 9, Auer in view of Tymes teaches everything claimed except for the use of a directional coupler. Official Notice is taken that the use of directional couplers is well known in the art. It would have been obvious to one of ordinary skill in the art to modify Auer in view of Tymes to use a directional coupler in order to ensure that transmission and reception signals did not interfere with one another.

Response to Arguments

2. Applicant's arguments with respect to claims 1-9,17,21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J. Sobutka whose telephone number is 703-305-4825. The examiner can normally be reached on Monday-Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

Philip Sobutka

Pjs
July 8, 2004


NAY MAUNG
SUPERVISORY PATENT EXAMINER